

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

CASE NO.: ****

GLOBAL WEATHER PRODUCTIONS,
LLC,

Plaintiff,

v.

THE DAILY WIRE, LLC,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff GLOBAL WEATHER PRODUCTIONS, LLC by and through its undersigned counsel, brings this Complaint against Defendant THE DAILY WIRE, LLC for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff GLOBAL WEATHER PRODUCTIONS, LLC (“GWP”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Michael Brandon Clement (“Clement”)’s original copyrighted work of authorship and for adding false copyright management information in violation of 17 U.S.C. § 1202.

JURISDICTION AND VENUE

2. This is an action arising under the Copyright Act, 17 U.S.C. § 501 and 1202.
3. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).
4. TDW is subject to personal jurisdiction in Tennessee.

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5. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, TDW engaged in infringement in this district, TDW resides in this district, and TDW is subject to personal jurisdiction in this district.

PLAINTIFF

6. Clement is a videographer and a syndicator of award-winning videographic content. He travels around the globe documenting hurricanes, flooding, blizzards, volcanoes, and climate change impacts.

7. GWP is a Wyoming limited liability company with a principal business located in Sheridan, Wyoming.

8. GWP owns the rights, titles, and interests of Clement's copyrighted work for use in any and all media.

9. GWP manages and stores Clement's collection of copyrighted works, overseeing the distribution of his creative pieces to various individuals and organizations. This arrangement allows for centralized control and administration of Clement's intellectual property, streamlining the licensing and distribution of his work across different media platforms.

10. GWP's videos of extreme weather events are frequently copied, downloaded, and reuploaded by infringers. GWP's videos are a popular and frequent source of footage of weather events that cannot be obtained elsewhere. This makes GWP a frequent target for infringers and pirates.

DEFENDANT

11. Defendant THE DAILY WIRE, LLC ("TDW") is a streaming service and fast-growing media company outlet for news, opinion, and entertainment. TDW provides an online platform for listening, watching, discussion(s), and shopping.

12. TDW is a Tennessee limited liability company, with its principal place of business at 1831 12th Avenue South, Ste. 460, Nashville, TN, 37203, and can be served by serving its Registered Agent, CAPITOL CORPORATE SERVICES, INC., 992 DAVIDSON DRIVE, STE B, NASHVILLE, TN 37205.

13. TDW owns the DW+ trademark under Reg No. 7250030 for the usage of streaming of audio and visual material on the internet, which is attached hereto as **Exhibit 1**.

14. At all times relevant herein, TDW owned and operated the internet websites located at the following URLs: <https://www.facebook.com/TheBenShapiroShow>, <https://www.facebook.com/officialbenshapiro>, <https://www.facebook.com/MattWalshBlog>, <https://www.facebook.com/aklavan>, and <https://www.facebook.com/DailyWire> (collectively “Websites”).

THE COPYRIGHTED WORK AT ISSUE

15. In 2022, Clement created the video entitled “7.28.2022_Hindman KY underwater,” which is available at the following URL: https://www.youtube.com/watch?v=PFSizOheU_k (“Work”).

16. Clement registered the Work with the Register of Copyrights on August 07, 2022, and was assigned registration number PA 2-369-592. The Certificate of Registration is attached hereto as **Exhibit 2**.

17. Clement transferred and assigned to GWP all of Clement’s rights, titles and interests for use in any and all media on June 4, 2023.

18. At all relevant times, GWP was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY TDW

19. TDW has never been licensed to use the Work at issue in this action for any purpose.

20. On a date after the Work at issue in this action was created, but prior to the filing of this action, TDW copied the Work.

21. On or about February 23, 2024, GWP discovered the unauthorized use of its Work on the Websites.

22. TDW copied GWP's copyrighted Work without GWP's permission.

23. After TDW copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its media platform and streaming service.

24. TDW copied and distributed GWP's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

25. TDW committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 3**.

26. GWP never gave TDW permission or authority to copy, distribute or display the Work at issue in this case.

27. GWP notified TDW of the allegations set forth herein on October 7, 2024, and December 2, 2024. Since December 10, 2024, the parties communicated until January 25, 2025.

28. Despite repeated notices, TDW continued committing copyright infringement until at least January 2, 2025.

29. To date, the parties have failed to resolve this matter.

COUNT I
COPYRIGHT INFRINGEMENT

30. GWP incorporates the allegations of paragraphs 1 through 29 of this Complaint as if fully set forth herein.

31. GWP owns a valid copyright in the Work at issue in this case.

32. Clement registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a) and transferred and assigned to GWP all of Clement's rights, titles and interests for use in any and all media.

33. TDW copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without GWP's authorization in violation of 17 U.S.C. § 501.

34. TDW performed the acts alleged in the course and scope of its business activities.

35. Defendant's acts were willful.

36. GWP has been damaged.

37. The harm caused to GWP has been irreparable.

COUNT II
ADDITION OF FALSE COPYRIGHT MANAGEMENT INFORMATION

38. GWP incorporates the allegations of paragraphs 1 through 29 of this Complaint as if fully set forth herein.

39. TDW knowingly and with the intent to induce, enable, facilitate, or conceal copyright infringement by adding copyright management information (CMI) that is false and distributing or importing for distribution copyright management information that is false in violation of 17 U.S.C. § 1202(a).

40. TDW applied its own false CMI upon the Work.

41. After applying the false CMI to the Work, TDW published the Work in violation of 17 U.S.C. § 1202(a).

42. GWP has been damaged.

43. The harm caused to GWP has been irreparable.

WHEREFORE, the Plaintiff GLOBAL WEATHER PRODUCTIONS, LLC prays for judgment against the Defendant THE DAILY WIRE, LLC that:

a. TDW and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501 and 17 U.S.C. § 1202;

b. TDW be required to pay GWP its actual damages and Defendant's profits attributable to the infringement, or, at GWP's election, statutory damages, as provided in 17 U.S.C. § 504 and 17 U.S.C. § 1203;

c. GWP be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;

d. GWP be awarded pre- and post-judgment interest; and

e. GWP be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

GWP hereby demands a trial by jury of all issues so triable.

Dated: January 31, 2025

Respectfully submitted,

/s/ Anthony J. Underwood
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